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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

JENNIFER CANNON and ROBBY CANNON,
wife and husband,

Plaintiffs,

vs.

CASE NO:

**COMPLAINT FOR
NEGLIGENCE**

UNITED STATES OF AMERICA; SAUNDRA
JACOBS in her capacity as agent of the UNITED
STATES OF AMERICA; and SAUNDRA
JACOBS and JOHN DOE JACOBS, wife and
husband,

Defendants.

Come now the above-named Plaintiffs, claim for relief against the Defendants, and allege
as follows:

1. PARTIES AND JURISDICTION

1.1. At all times relevant hereto, Plaintiffs JENNIFER CANNON and ROBBY CANNON were
wife and husband residing in Spokane County, Washington.

1.2. The UNITED STATES OF AMERICA made itself liable in tort under 28 U.S.C. § 2674.

1.3. The United States Postal Service is a Federal agency of the UNITED STATES OF
AMERICA within the meaning of 28 U.S.C. § 2671.

1 1.4. Plaintiffs presented claims to the United States Postal Service on December 9, 2019
2 pursuant to 28 U.S.C. § 2675 and 39 U.S.C. § 409.

3 1.5. The United States Postal Service acknowledged receipt of Plaintiffs' claims on December
4 12, 2019.

5 1.6. The United States Postal Service failed to make final disposition of the Plaintiffs' claims
6 within six months after they were filed.

7 1.7. The United States Postal Service denied the Plaintiffs' claims.

8 1.8. On June 15, 2021, the United States Postal Service mailed a denial of the Plaintiffs' claims
9 to the Plaintiffs via certified mail.

10 1.9. At all times relevant hereto, Defendants SAUNDRA JACOBS and JOHN DOE JACOBS
11 were a married couple residing in Spokane County, Washington.

12 1.10. The United States District Court for the Eastern District of Washington has jurisdiction
13 over the parties and subject matter of this action.

14 **2. VENUE**

15 2.1. The incident giving rise to this action is a motor vehicle collision that occurred at the SR
16 291 and W. Parkway Road intersection in Spokane County, Washington.

17 2.2. The United States District Court for the Eastern District of Washington is an appropriate
18 venue for this action.

19 **3. FACTS**

20 3.1. On or about May 25, 2019, JENNIFER CANNON was the restrained driver of a 2003
21 Mazda Tribute (the Tribute).

22 3.2. JENNIFER CANNON was traveling northbound on SR 291 in Spokane, Washington.

23 3.3. ROBBY CANNON was a passenger in the Tribute.
24

1 3.4. SAUNDRA JACOBS was driving a 1988 Grumman LLV (the Grumman) registered to the
2 United States Postal Service eastbound on W. Parkway Road in Spokane, Washington.

3 3.5. SAUNDRA JACOBS was acting in her capacity as an agent and employee of the United
4 States Postal Service at the time of the collision.

5 3.6. Upon information and belief, SAUNDRA JACOBS was driving the United States Postal
6 Service's vehicle with the agency's express or implied consent at the time of the collision.

7 3.7. Upon information and belief, SAUNDRA JACOBS was not paying attention to what was
8 clearly visible to her.

9 3.8. SAUNDRA JACOBS failed to yield the right of way.

10 3.9. SAUNDRA JACOBS drove into the intersection of W. Parkway Road and SR 291.

11 3.10. SAUNDRA JACOBS collided with JENNIFER CANNON's vehicle.

12 3.11. The Spokane Police Department investigated the incident.

13 3.12. SAUNDRA JACOBS was cited for failing to yield the right of way.

14 3.13. SAUNDRA JACOBS caused JENNIFER CANNON permanent and serious injuries
15 including, but not limited to, fractures in the toes, a sprain in the left foot, pain, difficulty
16 walking, swelling, and tenderness.

17 **4. NEGLIGENCE INVOLVED**

18 4.1. The injuries and damages were the direct and proximate result of negligence on the part of
19 the Defendant driver in the following particulars:

20 4.1.1. SAUNDRA JACOBS operated a vehicle in such a manner as to endanger or
21 likely to endanger persons or property in violation of RCW § 46.61.525.

22 4.1.2. SAUNDRA JACOBS operated a vehicle in wanton disregard for the safety of
23 persons or property in violation of RCW § 46.61.500.

1 4.1.3. SAUNDRA JACOBS operated a vehicle in willful disregard for the safety of
2 persons or property in violation of RCW § 46.61.500.

3 4.1.4. SAUNDRA JACOBS failed to exercise due care and caution in operating a
4 vehicle.

5 4.1.5. SAUNDRA JACOBS failed to yield the right of way when entering a stop or
6 yield intersection in violation of RCW § 46.61.190.

7 4.1.6. SAUNDRA JACOBS failed to keep a proper lookout for traffic ahead.

8 4.2. SAUNDRA JACOBS was an employee of the United States Postal Service acting within the
9 scope of her employment at the time of collision.

10 4.3. The UNITED STATES OF AMERICA is vicariously liable for the actions of SAUNDRA
11 JACOBS.

12 **5. INJURIES TO THE PLAINTIFFS**

13 5.1. As a direct and proximate result of the occurrence, the Plaintiffs suffered damages
14 including, but not limited to, past and future pain and suffering, physical injuries, loss of
15 enjoyment of quality of life, loss of consortium, and other damages under the law in an
16 amount to be proven at trial.

17 **6. EXPENSES INCURRED**

18 6.1. The Plaintiffs, as a direct and proximate result of the occurrence, have incurred reasonable
19 and necessary expenses, past and future, including expenses for physicians and other medical
20 care as a result of the injuries.

21 6.2. As a direct and proximate result of the occurrence, JENNIFER CANNON has suffered lost
22 wages, the exact value of which will be determined at trial.

6.3. As a direct and proximate result of the occurrence, the Plaintiffs have suffered expenses and damages for damage to their vehicle, vehicle storage fees, and the loss of use of their vehicle.

The exact value of these damages will be determined at trial.

7. LIMITED WAIVER OF MEDICAL PRIVILEGE

7.1. Plaintiffs hereby waive the physician-patient privilege ONLY to the extent required by RCW § 5.60.060, as limited by the Plaintiffs' constitutional rights of privacy, contractual rights of privacy, and the ethical obligation of physicians and attorneys not to engage in ex parte contact between a treating physician and the patient's legal adversaries.

WHEREFORE, Plaintiffs pray for judgment against the Defendants in an amount that will fairly compensate Plaintiffs for all damages sustained, costs and reasonable attorney's fees, interest calculated at the maximum amount allowable by law, and other relief the court deems just.

DATED at Spokane, Washington, this 14th day of July, 2021.

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